



## MEMORANDUM

TO: Chairman Gratz and Members of the Planning Commission  
 FROM: Raymond P. Ocel, Jr., Director of Planning and Community Development *RPO*  
 DATE: July 11, 2012  
 RE: Zoning Ordinance Text Amendment-Railroad Station Overlay District

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### **BACKGROUND:**

At its meeting on June 12, 2012, the City Council referred a resolution initiating amendments to the Railroad Station Overlay District Regulations and Map to the Planning for review and recommendation. Specifically, the resolution addresses adding several properties to the overlay district and making changes to some of the bulk regulations. (See attachment #1)

The request is to amend the boundaries of the Railroad Station Overlay District (RSO) to include 306-312 Frederick Street, 316 and 318 Charles Street, reducing the maximum height by right to 40 feet, subject to increase up to 50 feet by special use permit and deleting a requirement for a special use permit for new curb cuts, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Sections 78-790, 78-793, and 78-795. The properties listed above are the same parcels that are under consideration to be rezoned to Commercial Downtown. The Planning Commission previously recommended to the City Council that these properties be rezoned.

The purpose of the RSO is to facilitate development, redevelopment, and street geometry patterns that are consistent and compatible with each other and with existing development within the area near the City's train station. It forms a buffer zone between the mixed use downtown area and the Darbytown single family residential neighborhood, and it is also home to historic structures, including the train station, commercial, office, and warehouse buildings. It currently permits uses as prescribed the underlying commercial transitional zoning district, with the site development regulations generally found in the commercial-downtown district.

In 2011, the City Council considered changing the underlying zoning in this district from Commercial Transitional (C-T) to Commercial Downtown (C-D). However, City Council received public comments expressing the concerns of residents in the Darbytown neighborhood that C-D uses would generate out-of-scale redevelopment. City Council, after studying the matter, adopted Resolution 12-45, Initiating Amendments to the Railroad Station Overlay District Regulations and Map, to address these concerns by

expanding the RSO and by reducing the maximum height regulations. These changes, in combination with the change in the underlying zoning to C-D, are intended to encourage development and redevelopment in a compatible scale. In addition, the RSO requires a special use permit for new curb cuts, which requirement does not appear to be necessary.

Taking into consideration the above, the Planning Director's staff reports, the Planning Commission's recommendation, and the comments of the public, the Fredericksburg City Council determines that these amendments are required by the public necessity, convenience, general welfare, and good zoning practice.

The following changes are proposed based upon the City Council's resolution. The language shown in italics is the proposed language, while the strike through language is proposed to be removed.

### **SEC. III. City Code Amendment.**

The City Code, Sections 78-790, 78-793, and 78-795, shall be amended as follows:

#### **1. Sec. 78-790. Purpose and Intent.**

The railroad station overlay (RSO) district shall be established to facilitate development, redevelopment, and street geometry patterns that are consistent and compatible with each other and with existing development within the ~~four-block area near the Fredericksburg train station, between downtown and the Darbytown neighborhood. bounded generally on the north by the CSX railroad tracks, on the south by Frederick Street, on the east by the Rappahannock River, and on the west by Charles Street as shown on the Official Zoning Map.~~ *This special overlay district is hereby created in order to allow an amalgam of the land uses generally found within the commercial-transitional district and the zoning district regulations generally found within the commercial-downtown district. This special overlay district is created in order to provide a zone for the uses permitted in the commercial downtown zoning district, but in a built environment that is compatible with the existing historic structures and the nearby residential district.*

#### **2. Section 78-793. Bulk Regulations.**

Bulk regulations for the RSO district are as follows:

- (1) Maximum building height: ~~50~~ 40 feet *by right, subject to increase up to 50 feet by special use permit.*
- (2) Minimum yard requirements:
  - a. Front yard, shall generally conform to the setbacks of adjacent structures.
  - b. Side yard, not regulated, except:
    - i. The side yard shall be at least 15 feet where adjacent to any residential district; and
    - ii. Where a side yard is provided, it shall be of adequate space for the use intended.
  - c. Rear yard, not regulated, except the rear yard shall be at least 25 feet where adjacent to any residential district.
- (3) Maximum floor area ratio: 3.0
- (4) Maximum residential density:

- a. The maximum residential density for mixed use structures with commercial uses on at least the first floor shall not exceed one dwelling unit per 3,600 square feet of total area within the building.
- b. Eight dwelling units per acre for multifamily dwellings.
- c. Eight dwelling units per acre for single-family dwellings.

**3. Sec. 78-795, "Additional regulations."**

Additional regulations for the RSO district shall be as follows:

- (1) No outdoor storage shall be permitted.
- (2) All refuse shall be contained in completely enclosed and screened facilities.
- (3) ~~Any use which requires a new curb cut or which is adjacent to uses which the zoning administrator determines may be adversely affected by the creation of a curb cut shall require a special use permit.~~

**RECOMMENDATION:**

The City Council has referred this proposal to the Planning Commission for its review, public hearing, and recommendation, as required by the Code of Virginia for any zoning ordinance amendment. Staff recommends that the Planning Commission recommend approval of the attached Ordinance prepared by the City Attorney.

**ATTACHMENTS:**

1. Initiating City Council Resolution
2. Proposed Ordinance
3. Map of Railroad Station Overlay District

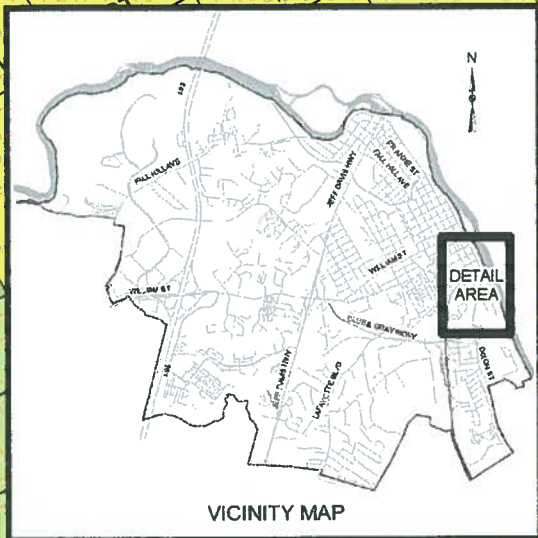




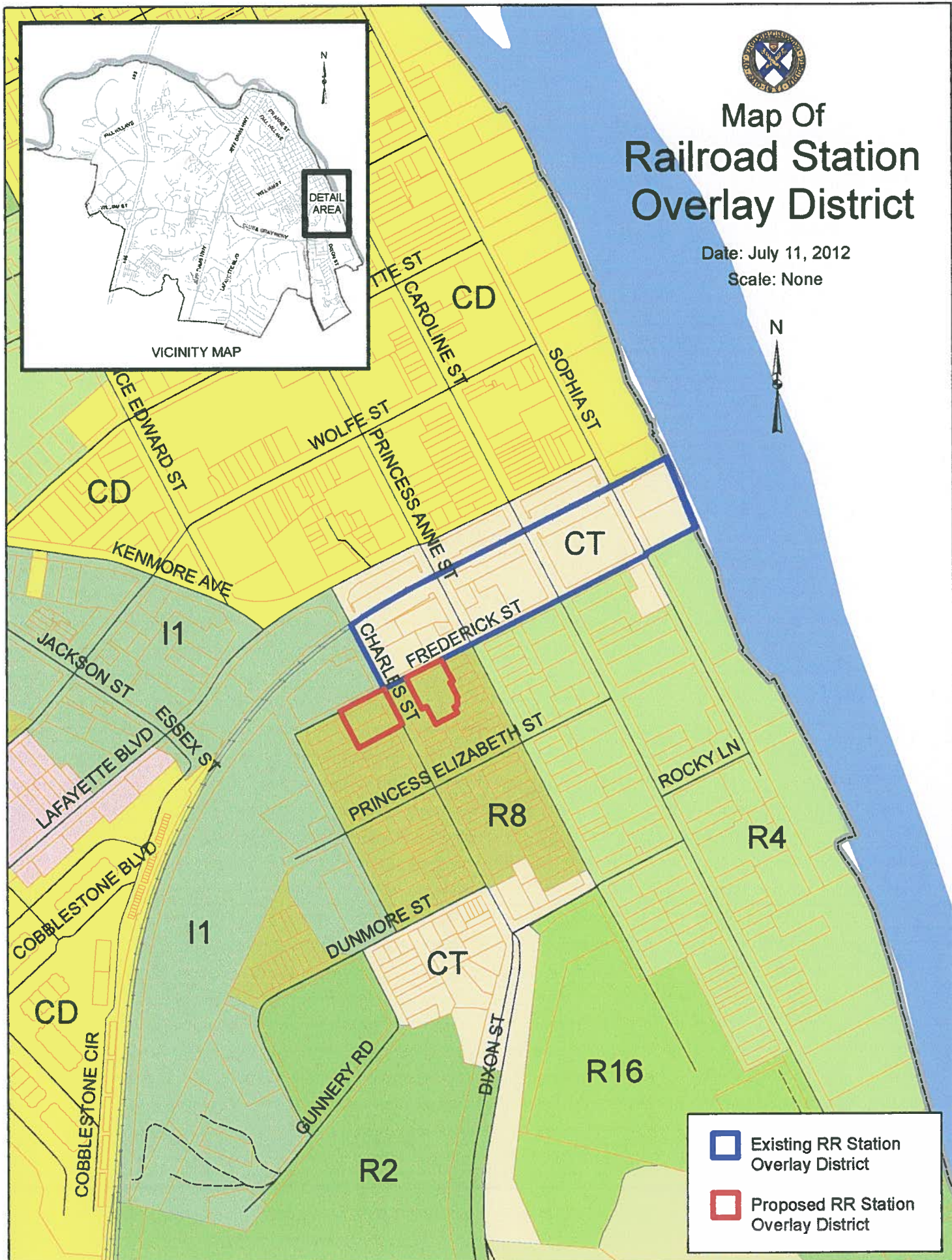
# Map Of Railroad Station Overlay District

Date: July 11, 2012

Scale: None



VICINITY MAP



Existing RR Station  
Overlay District



Proposed RR Station  
Overlay District

**MOTION:**

**SECOND:**



**June 12, 2012  
Regular Session  
Resolution No. 12- 45**

**RE:           INITIATING AMENDMENTS TO THE RAILROAD STATION OVERLAY  
DISTRICT REGULATIONS AND MAP**

**ACTION:**

**WHEREAS**, the City Council is considering amending the underlying zoning in and near the Railroad Station Overlay District from R-8 Residential and Commercial-Transitional to Commercial-Downtown, in order to expand the number of permitted commercial uses, to encourage economic development activities that provide desirable employment and enlarge the tax base through private investment;

**WHEREAS**, the City Council wishes to provide for development and redevelopment within the Railroad Station Overlay District that is harmonious with the nearby residential neighborhood in terms of size, height, area, bulk, and location of structures and the areas and dimensions of land to be occupied by buildings, structures and uses;

**WHEREAS**, it appears to the City Council that the Railroad Station Overlay District should be expanded to include the "Old Coffee Warehouse" at 306-312 Frederick Street and the properties located at 316 and 318 Charles Street;

**WHEREAS**, it appears to the City Council that the proposed amendments to the Railroad Station Overlay District regulations and map would eliminate any out-of-scale development or redevelopment that could be permitted by the proposed rezoning of the area to Commercial Downtown;

**WHEREAS**, the proposed amendments to the Railroad Station Overlay District regulations and map appear to be required by the public necessity, convenience, general welfare, or good zoning practice.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Fredericksburg Council initiates the following amendments to the Railroad Station Overlay District, City Code Chapter 78, Article III, Division 24, "Railroad Station Overlay District:"

1. Amend City Code §78-793, "Bulk regulations," within the Railroad Station Overlay District, to reduce the maximum building height from 50 feet to 40 feet;
2. Any additional amendments to City Code §78-793, "Bulk regulations," consistent with the purposes of this Resolution;
3. Amend City Code §78-790, "Purpose and intent" and the official zoning map to include 306-312 Frederick Street and 316 and 318 Charles Street in the Railroad Station Overlay District;

**IT IS FURTHER RESOLVED** that the City Council refers this proposal to the Planning Commission for review, public hearing, and recommendation, pursuant to City Code §78-937, and that the Planning Commission is specifically requested to consider the pending rezoning of this area to Commercial Downtown, and the expansion of the Downtown Parking District to this area, in its deliberations and recommendation;

**IT IS FURTHER RESOLVED** that the Zoning Administrator shall present City Council with the pending ordinance rezoning this area from Commercial Transitional to Commercial Downtown, and with the pending ordinance expanding the Downtown Parking District, with the Planning Commission's recommendation on the proposed changes to the Railroad Station Overlay district regulations and map.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

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***Clerk's Certificate***

*I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 12- duly adopted at a meeting of the City Council meeting held June 12, 2012 at which a quorum was present and voted.*

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***Tonya B. Lacey, CMC***  
***Clerk of Council***